

1 RACHELE R. RICKERT (190634)
rickert@whafh.com
2 MARISA C. LIVESAY (223247)
livesay@whafh.com
3 BRITTANY N. DEJONG (258766)
dejong@whafh.com
4 **WOLF HALDENSTEIN ADLER**
FREEMAN & HERZ LLP
5 750 B Street, Suite 2770
San Diego, CA 92101
6 Telephone: 619.239.4599
Facsimile: 619.234.4599

7
8 DANIEL W. KRASNER (*pro hac vice*)
krasner@whafh.com
9 **WOLF HALDENSTEIN ADLER**
FREEMAN & HERZ LLP
10 270 Madison Avenue
New York, NY 10016
11 Telephone: 212.545.4600
Facsimile: 212.545.4653

12 *Attorneys for Plaintiff Frederick Rich*

MICHAEL C. HEFTER
michael.hefter@hoganlovells.com
RYAN M. PHILP
ryan.philp@hoganlovells.com
HOGAN LOVELLS US LLP
875 Third Avenue
New York, New York 10022
Telephone: 212.918.3000
Facsimile: 212.918.3100
(*admitted pro hac vice*)

ALAN KOSSOFF (SBN 150932)
KINSELLA WEITZMAN ISER
KUMP & ALDISERT LLP
akossoff@kwiklaw.com
808 Wilshire Boulevard, 3rd Floor
Santa Monica, California 90401
Telephone: 310.566.9800
Facsimile: 310.566.9850

Attorneys for Plaintiffs CAMOFI
Master LDC and CAMHZN Master
LDC

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15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

17 DAVID L. DEFREES, et al.,

18 Plaintiffs,

19 v.

20 JOHN C. KIRKLAND, et al.,

21 Defendants,

22 and

23 U.S. AEROSPACE, INC.

24 Nominal Defendant.

Case No. CV 11-04272 JLS (SPx)
consolidated with Case No. CV 11-04574
JLS (SPx)

(Derivative Action)

NOTICE OF MOTION AND
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
DERIVATIVE SETTLEMENT

Hearing Date: January 26, 2018
Time: 2:30 p.m.
Courtroom: 10A, 10th Floor
Judge: Hon. Josephine L. Staton

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, as soon as this motion may be heard pursuant to the Court's schedule, or on the next available motion date, which appears to be January 26, 2018 at 2:30 p.m., in the United States District Court, Central District of California, located at the Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Santa Ana, CA, 92701, plaintiffs Frederick Rich, CAMOFI Master LDC and CAMHZN Master LDC (collectively, "Plaintiffs"), through their undersigned counsel, will, and hereby do move the Court for an order preliminarily approving the derivative settlement.

The motion is supported by the accompanying memorandum of points and authorities, the Declaration of Rachele R. Rickert, and the Stipulation of Settlement dated December 15, 2017 (the "Stipulation").

This motion is made following conferences among counsel for Plaintiffs and counsel for Defendants Dentons US LLP, James D. Henderson, Michael Goldberg, Charles Arnold, Daisy Rodriguez, TUSA Acquisition Corp. and KC-X American Aerospace, LLC pursuant to L.R. 7-3 which have taken place throughout the past several months. Defendants have indicated they will not oppose this motion.

DATED: December 15, 2017 **WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP
RACHELE R. RICKERT
MARISA C. LIVESAY
BRITTANY N. DEJONG**

By: /s/ Rachele R. Rickert
RACHELE R. RICKERT

750 B Street, Suite 2770
San Diego, CA 92101
Telephone: 619.239.4599
Facsimile: 619.234.4599
rickert@whafh.com
livesay@whafh.com
dejong@whafh.com

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP
DANIEL W. KRASNER
270 Madison Avenue**

New York, NY 10016
Telephone: 212.545.4600
Facsimile: 212.545.4653
krasner@whafh.com

Attorneys for Plaintiff Frederick Rich

DATED: December 15, 2017

HOGAN LOVELLS US LLP
MICHAEL C. HEFTER
RYAN M. PHILP

By: /s/ Michael C. Hefter
MICHAEL C. HEFTER

875 Third Avenue
New York, New York 10022
Telephone: 212.918.3000
Facsimile: 212.918.3100
michael.hefter@hoganlovells.com
ryan.philp@hoganlovells.com

*Attorneys for Plaintiffs CAMOFI Master LDC
and CAMHZN Master LDC*

DECLARATION CONCERNING CONCURRENCE

I, Rachele R. Rickert, am the CM/ECF User whose identification and password are being used to file the foregoing NOTICE OF MOTION AND UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF DERIVATIVE SETTLEMENT. In compliance with L.R. 5-4.1.4(2)(i), I hereby attest that Michael C. Hefter has concurred in this filing's content and has authorized its filing.

DATED: December 15, 2017

/s/ Rachele R. Rickert

RACHELE R. RICKERT

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